IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.24733 of 2008
BISHNU SAH
Versus
STATE OF BIHAR
With
Cr.Misc. No.27595 of 2008
NIRAJ SAH & GOLDEN SAH
Versus
STATE OF BIHAR
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3. 2.9.2008 Heard.

There are two petitions on behalf of three petitioners and the petitions relate to one FIR, i.e., Nathnagar P.S.Case no.103 of 2008 under Sections 364, 302 and 120B of the IPC. The petitioners are not named in the FIR. The case relates to the incident in which the son named Abhishek Kumar went with accused Pawan Mahaldar by a motorcycle and did not return. Subsequently, the informant learnt that the accompanying accused Pawan Mahaldar had been apprehended by the police and went to the police station and learnt that his motorcycle was lying at a particular place by the road side and the dead body was also found. The rejection order refers to three paragraphs of the case diary i.e., 6,7 and 137 which contains the further statement of the father of the deceased, brother of the deceased and mother of

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the deceased respectively. From what has been read out to me by the learned A.P.P. it appears that the father suspected five other persons who were reported to be accompanying the deceased and the said Pawan Mahaldar during the fateful night while making merry and drinking liquor. The same statement of the informant indicates as if the deceased and accused Pawan Mahaldar had left together by the same motorcycle. The further statement as also the statements of the brother and the mother of the deceased simply doubt the three petitioners without indicating the reasons for their suspicion. As indicated, the petitioners are not named in the FIR.

Regard being had to the facts of the case and the material as collected in the case diary, let the above named three petitioners be released from custody on furnishing bond of Rs.10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of C.J.M. Bhagalpur in the above noted case.

(Dharnidhar Jha, J.)

B.Kr.

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